



AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-35154 - APPLICANT: BOCA FASHION VILLAGE
PIZZERIA - OWNER: BOCA FASHION VILLAGE, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.010 for a Supper Club use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 3,646 square-foot Supper Club at 750 South Rampart Boulevard Suite #7. The subject site was previously utilized for a restaurant, and is located within an existing 641,664 square-foot Shopping Center (Boca Park). The Boca Park shopping center is capable of accommodating a variety of uses, and the addition of a Supper Club within this center is compatible with the existing and future land uses. Therefore, staff recommends approval. If this application is denied, a supper club use will not be allowed at the site.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i> | |
|---|--|
| 04/27/98 | The City Council approved a request for a Rezoning (Z-0012-98) on property located on the southeast corner of Rampart Boulevard and Alta Drive, from: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial) to: PD (Planned Development) proposed use: 248 room, five-story, non-gaming hotel, 650 seat amphitheater, 535,200 square foot retail, 57,600 square foot office, 125 unit condominium complex, a four-story parking garage, and a six-story parking garage, size: 47.4 acres. The Planning Commission recommended approval. |
| 04/18/01 | The City Council approved a request for a Master Sign Plan Review [Z-0012-98(3)] for property located at the southeast corner of the intersection of Alta Drive and Rampart Boulevard (Boca Park, Phase III). The Planning Commission recommended approval. |
| 07/05/01 | The City Council approved a request for a Special Use Permit (U-0054-01) for a 6,218 square foot Supper Club on 1.15 acres on the east side of Rampart Boulevard, approximately 220 feet north of Charleston Boulevard within Boca Park Phase 1. The Planning Commission recommended approval. |
| 02/20/02 | The City Council approved a Special Use Permit (U-0151-01) for a Supper Club in conjunction with a proposed restaurant (Cheesecake Factory) on property located adjacent to the east side of Rampart Boulevard, approximately 750 feet south of Alta Drive. The Planning Commission recommended approval. |
| 12/23/04 | A deed was recorded for change of ownership. |
| 12/21/05 | The City Council approved a Special Use Permit (SUP-9430) for a proposed Supper Club located along the east side of Rampart Boulevard, approximately 900 feet south of Alta Drive. The Planning Commission and staff recommended approval on 11/17/05. This approval was for the subject site, but expired when the use was not exercised. |

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| 06/21/06 | The City Council approved a Special Use Permit (SUP-12804) for a beer/wine/cooler on-sale establishment at 750 South Rampart Boulevard #7. Planning Commission recommended approval. |
| 11/15/06 | The City Council approved a Special Use Permit (SUP-16488) for a Supper Club at 740 South Rampart Boulevard #4. Planning Commission recommended approval. |
| 08/27/09 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #17/gk). |
| Related Building Permits/Business Licenses | |
| 04/01/02 | A business license was issued for a Supper Club at 750 South Rampart Boulevard #17. The business license is currently active. |
| 03/04/04 | A business license was issued for a Supper Club at 750 South Rampart Boulevard #3. The business license is currently active. |
| 09/15/06 | A business license was issued for a Beer/Wine/Cooler On-Sale use in conjunction with a restaurant (45 or more seats) at 750 South Rampart Boulevard #7. The uses were marked out of business on 06/17/07. |
| 10/20/06 | A business license was issued for a Supper Club at 750 South Rampart Boulevard #16. The business license is currently active. |
| 11/01/06 | A building permit (#74395) was approved by the Planning Department for an ornamental wrought iron fence at 750 South Rampart #7. The permit has not been finalized. |
| Pre-Application Meeting | |
| 06/15/09 | The requirements for a Special Use Permit regarding a Supper Club use were discussed. |
| Neighborhood Meeting | |
| A neighborhood meeting was not required, nor was one held. | |
| Field Check | |
| 07/23/09 | Staff conducted a field check and noted a well maintained, vacant suite within a shopping center. |

| | |
|---------------------------------------|------|
| Details of Application Request | |
| Site Area | |
| Net Acres | 6.04 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|-------------------|-------------------------|--------------------------|
| Subject Property | Shopping Center | SC (Service Commercial) | PD (Planned Development) |
| North | Shopping Center | SC (Service Commercial) | PD (Planned Development) |
| South | Shopping Center | SC (Service Commercial) | PD (Planned Development) |

| | | | |
|------|-----------------|-------------------------|--------------------------|
| East | Shopping Center | SC (Service Commercial) | PD (Planned Development) |
| West | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | | |
| Boca Park Phase III Master Development Plan | X | | Y |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | X | N/A |
| Trails | | X | N/A |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|---------------------|-------------------------------------|---------------|---------|--------------|----------|--------------|------------|
| Use | Gross Floor Area or Number of Units | Required | | | Provided | | Compliance |
| | | Parking Ratio | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Shopping Center | 641,664 S.F. | 1:250 | 2,531 | 36 | 2,639 | 36 | |
| | | | 2,567 | | 2,639 | | Y |

ANALYSIS

The applicant is proposing a 3,658 square-foot Supper Club located within the Boca Park shopping center. The proposed use is consistent with the conditions of approval for a Supper Club use as conditioned. Also, the proposed use is consistent with adjacent uses within Boca Park as there are similar restaurants within the center.

The proposed floor plan depicts a dining room capable of seating 150 guests, with a 1,810 square-foot interior dining room with seating available for 116 guests and a 657 square foot outdoor dining patio available for 34 guests. The floor plan is in compliance with Title 19 which requires the site to have a minimum capacity for 125 guests. Also, the floor plan depicts a 187 square foot indoor bar area separated from the indoor dining room by a 42-inch tall full metal stud sheet rock wall, which meets the Title 19 requirement that the bar area be separated from the restaurant area by a barrier sufficient enough to prevent access to the bar by minors.

The addition of the Supper Club will be compatible with similar uses as conditioned; therefore, staff recommends approval of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Supper Club is located within the Boca Park shopping center, and can be conducted in a manner that is harmonious with the existing and future land uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is suitable for a variety of retail and restaurant uses. There are several similar businesses within the existing development. Therefore, the subject Supper Club is appropriate for the subject site as proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site has access via Rampart Boulevard, a 100-foot Primary Arterial and Alta Drive, an 80-foot Secondary Collector. Given the size of the existing development, the addition of the Supper Club will only have a negligible effect on the transportation infrastructure currently serving the site.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposal conforms to the goals and objectives of the General Plan designation in which it is located. As such, it will not endanger the public health, safety, or welfare of the populace or be inconsistent with the objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The site meets all applicable conditions per Title 19.04 for a Supper Club. The use conforms to Title 19 as conditioned.

PLANNING COMMISSION ACTION

There were additional protests and supports submitted for this project at the Planning Commission Meeting. There was one speaker in opposition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 1,343 by City Clerk

APPROVALS 5

PROTESTS 2